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EXAMINER

CHOW, CHARLES CHIANG

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/055,854

Applicant(s)

MAHONEY, JEROME R.

Examiner

Charles Chow

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/26/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

**Office Action for Amendment
Received on 1/26/2004**

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 21-22, 31-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Chan et al. (US 5,912,949).

Regarding **claim 21**, Chan et al. (Chan) teaches a speech enabled automatic name dialer dialing system (PBX based voice dialing system 300 in Fig. 2, col. 5, line 61 to col. 6, line 2, and personal voice dialing system in Fig. 3, col. 24-38) for connection to a telephone system (PBX system 310, public switched telephone network, Fig. 2-3), utilizing user computer (personal computer Fig. 3, col. 6, line 27, microprocessor 320/440, Ram 320/410, hard disk 330/420, Fig. 2-3), having a computer based address book program for retrieval of name telephone number data therefrom and for creation therefrom of speech enabling phonemes sets for auto dialing by speaking a name (software in Fig. 1, Schedule for creating, storing a directory of the address book for the names and associated telephone numbers of a directory, the Model asr1500/M for matching retrieved phonemes from voice input to obtain corresponding telephone number, col. 4, lines 5-34, col. 6, lines 3-44). Chan teaches the utilizing telephones application programming interface [the personal dialing system in Fig. 3, (col. 6, lines 23-64) having software (col. 4, lines 4-9, Fig. 1) stored in the microprocessor 340/440 (Fig. 2-3, col. 6, lines 3-12), Ram 410, and hard disk 420, the microprocessor 340 executes software (col. 6, lines 14-22) for generating signal to interface and direct a

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telephone connection through the telephone port 480, 430, for making telephone connection between telephone set 490 and public switched telephone network (Fig. 3, col. 24-38)], the for use with telephones (Fig. 2, telephone sets 352,354,356,358) with private branch exchanges (PBX 310, Fig. 2).

Chan teaches (a) at least one user computer having microphone and speaker (the speaking the name to a personal computer having software and speech recognition for automatic voice dialing, col. 3, lines 39-46, the speaker announcing "did you say <name>?" in col. 4, lines 54-60).

Chan teaches (b) a telephones application programming interface provider installed in user computer [the personal dialing system in Fig. 3, (col. 6, lines 23-64) having software (col. 4, lines 4-9, Fig. 1) stored in the microprocessor 340/440 (Fig. 2-3, col. 6, lines 3-12), Ram 410, and hard disk 420, the microprocessor 340 executes software (col. 6, lines 14-22) for generating signal to interface and direct a telephone connection through the telephone port 480, 430, for making telephone connection between telephone set 490 and public switched telephone network (Fig. 3, col. 24-38)].

Chan teaches (c) memory within at least one user computer for storing, managing and supporting name-telephone number data (Ram 320/410, hard disk 330/420, Fig. 2-3 and in microprocessor 340/440 for executing software for automatic voice dialing based on user's spoken name).

Chan teaches (d) software stored in Ram 320/410, hard disk 330/420, microprocessor 340/440) contained within said user computer having at least following functional capability (i) accessing at name-telephone number data contained within at least user computer and (ii)

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creating converted phonemes from names of name-telephone number data (col. 4, lines 10-34).

Chan teaches (iii) receiving voice input from a microphone connected to said user computer and (iv) matching said phonemes and voice inputs to retrieve specific number-telephone number data from computer based name-telephone number data for initiating an automatic dialing (the microphone of the speech recognition component in col. 4, lines 19-21, for receiving incoming speech, and matching retrieved phonemes of the speech input to the name in the directory in col. 4, lines 10-17, col. 4, lines 18-34, the voice dialing controller procedure in col. 4, line 4 to col. 5, line 55, the PBX based system and voice dialing system in col. 5, line 56 to col. 6, line 64).

Chan teaches (v) signaling to a router and to a private branch exchange to initiate a dialing of a telephone number and to effect a telephone call within a telephone system in response to a voice input/phonemes match (the microprocessor 340/440 executes software for generate signal, to PBX system 310 in Fig. 2, col. 5, line 62 to col. 6, line 22, for signaling PBX 310 to routing a telephone connection between telephone sets 352-358 and a telephone set in public switches telephone network, Fig. 2).

Regarding **claim 22**, Chan teaches the software to prompt user to take a predescribed action if voice inputted name does not match available name-telephone number data ("who do you want to call", "did you say <name>", in steps 140, 230, Fig. 1) for the unmatched name from voice input.

Regarding **claim 31**, Chan teaches a speech enabled automatic name dialer dialing system (PBX based voice dialing system 300 in Fig. 2, col. 5, line 61 to col. 6, line 2, and personal

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voice dialing system in Fig. 3, col. 24-38) for connection to a telephone system (PBX system 310, public switched telephone network, Fig. 2-3), utilizing user computer (personal computer Fig. 3, col. 6, line 27, microprocessor 320/440, Ram 320/410, hard disk 330/420, Fig. 2-3), having a computer based address book program for retrieval of name telephone number data therefrom and for creation therefrom of speech enabling phonemes sets for auto dialing by speaking a name (software in Fig. 1, Schedule for creating, storing a directory of the address book for the names and associated telephone numbers of a directory, the Model asr1500/M for matching retrieved phonemes from voice input to obtain corresponding telephone number, col. 4, lines 5-34, col. 6, lines 3-44). Chan teaches the utilizing telephones application programming interface [the personal dialing system in Fig. 3, (col. 6, lines 23-64) having software (col. 4, lines 4-9, Fig. 1) stored in the microprocessor 340/440 (Fig. 2-3, col. 6, lines 3-12), Ram 410, and hard disk 420, the microprocessor 340 executes software (col. 6, lines 14-22) for generating signal to interface and direct a telephone connection through the telephone port 480, 430, for making telephone connection between telephone set 490 and public switched telephone network (Fig. 3, col. 24-38)], the for use with telephones (Fig. 2, telephone sets 352,354,356,358) with private branch exchanges (PBX 310, Fig. 2).

Chan teaches (a) at least one user computer having microphone and speaker (the speaking the name to a personal computer having software and speech recognition for automatic voice dialing, col. 3, lines 39-46, the speaker announcing "did you say <name>?" in col. 4, lines 54-60).

Chan teaches (b) a telephones application programming interface provider contained in at least one user computer [the personal dialing system in Fig. 3, (col. 6, lines 23-64) having

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software (col. 4, lines 4-9, Fig. 1) stored in the microprocessor 340/440 (Fig. 2-3, col. 6, lines 3-12), Ram 410, and hard disk 420, the microprocessor 340 executes software (col. 6, lines 14-22) for generating signal to interface and direct a telephone connection through the telephone port 480, 430, for making telephone connection between telephone set 490 and public switched telephone network (Fig. 3, col. 24-38)].

Chan teaches (c) at least one loaded address book program contained in at one user computer (Schedule for creating, storing a directory of the address book for the names and associated telephone numbers of a directory, the Model asr1500/M for matching retrieved phonemes from voice input to obtain corresponding telephone number, col. 4, lines 5-34, col. 6, lines 3-44).

Chan teaches (e) memory within at least one user computer for storing, managing and supporting name-telephone number data (Ram 320/410, hard disk 330/420, Fig. 2-3 and in microprocessor 340/440 for executing software for automatic voice dialing based on user's spoken name).

Chan teaches (f) software stored in Ram 320/410, hard disk 330/420, microprocessor 340/440) contained within said user computer having at least following functional capability (i) accessing at name-telephone number data contained within at least user computer and (ii) creating converted phonemes from names of name-telephone number data (col. 4, lines 10-34).

Chan teaches (iii) receiving voice input from a microphone connected to said user computer and (iv) matching said phonemes and voice inputs to retrieve specific number-telephone number data from computer based name-telephone number data for initiating an automatic

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dialing (the microphone of the speech recognition component in col. 4, lines 19-21, for receiving incoming speech, and matching retrieved phonemes of the speech input to the name in the directory in col. 4, lines 10-17, col. 4, lines 18-34, the voice dialing controller procedure in col. 4, line 4 to col. 5, line 55, the PBX based system and voice dialing system in col. 5, line 56 to col. 6, line 64).

Chan teaches (v) signaling to a router and to a private branch exchange to initiate a dialing of a telephone number and to effect a telephone call within a telephone system in response to a voice input/phonemes match (the microprocessor 340/440 executes software for generate signal, to PBX system 310 in Fig. 2, col. 5, line 62 to col. 6, line 22, for signaling PBX 310 to routing a telephone connection between telephone sets 352-358 and a telephone set in public switches telephone network, Fig. 2).

Regarding **claim 32**, Chan teaches the software to prompt user to take a predescribed action if voice inputted name does not match available name-telephone number data ("who do you want to call", "did you say <name>", in steps 140, 230, Fig. 1) for the unmatched name from voice input.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2. Claims 23-24, 26, 33-34, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan in view of Barber (US 6,198,947B1).

Regarding **claim 23**, Chan does not clearly teach the prompt a user to speak a phone number when the voice inputted name does not match stored name-telephone data, and the converting voice inputted telephone numbers into signal for autodialing, although Chan has taught above a autodialing system utilizing software.

Barber teaches the requesting user to speak a telephone number to be dialed, in a voice activated vehicular telephone system (col. 37, lines 34-37, col. 1, lines 15-17). Barber teaches the voice processing unit 166, the software running on DSP for hands free operation (col. 7, line 24-33). Barber teaches the technique for efficient voice activated dialing having user to speak a telephone number, such that the system can directly dial the telephone number using the voice inputted telephone number. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Chan above, and to include Barber's prompt user to speak a telephone number for the voice activated dialing, such that the system could efficiently dial a telephone number by using the voice inputted telephone number.

Regarding **claim 24**, Barber has taught the prompt user to speak name and telephone number during the call-in-process mode and in the idle mode (as shown in abstract), for the prompt user to input name-telephone number to that computer, and returning to autodialing of user request name, after the user has inputted name-telephone number data.

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Regarding **claim 26**, Chan teaches at least one user computer is connected to said router (router in PBX 310, Fig. 2, for routing telephone connection between telephone set 352-358 and a telephone set in public switched telephone network), router being connected to a telephone application programming interface compliant private branch exchange (the personal computer having microprocessor 340 connected to the router in PBX 310, col. 5, line 56 to col. 6, line 22, Fig. 2).

Regarding **claim 33**, referring to Barber above for the prompt to user to speak a phone number when a voice imputed name does not match stored available stored name-telephone data.

Regarding **claim 34**, Barber has taught the prompt user to speak name and telephone number during the call-in-process mode and in the idle mode (as shown in abstract), for the prompt user to input name-telephone number to that computer, and returning to autodialing of user request name.

Regarding **claim 36**, Chan teaches at least one user computer is connected to said router (router in PBX 310, Fig. 2, for routing telephone connection between telephone set 352-358 and a telephone set in public switched telephone network), router being connected to a telephone application programming interface compliant private branch exchange (the personal computer having microprocessor 340 connected to the router in PBX 310, col. 5, line 56 to col. 6, line 22, Fig. 2).

3. Claims 25, 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan in view of Tatchell et al. (US 5,905,774).

Regarding **claim 25**, Chan does not clearly teach the select telephone number from more than one telephone number, from the group consisting of home, office, fax, cell, answering service, and combinations thereof.

Tatchell et al. (Tatchell) teaches the more than one telephone number to select, from the group consisting of home, office, fax, cell, answering service, and combinations thereof. (as shown in Fig. 5b) for the voice dialing based on the spoken name in contact data base (Fig. 5b; col. 13, lines 3-17; col. 19, lines 40-44, abstract). Tatchell teaches the audible choice prompt for selecting telephone number from groups, home, office, fax, cell, answering service and combinations (as shown in abstract, voice dialing using spoken name, in col. 19, lines 40-44, col. 5, lines 5-10, the contact database in Fig. 5b, for the voice dialing using the spoken name as shown in Fig. 5b, for home, cellular, work office, by using the personal agent). Tatchell teaches the personal agent enables subscribers to manage outgoing calls using commands from speech (col. 7, lines 12-16) at different locations (col. 7, lines 2 to 10). Tatchell teaches an improved technique for voice dialing to different places, home, business, cellular or other telephone number (col. 3, lines 11-46), based on the spoken name in the contact database. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Chan above, and to include Tatchell's telephone selection from home, cellular, work, office based on spoken name in contact database, such that the user could efficiently contact other telephone number based on the spoken name in the contact data base.

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Regarding **claim 35**, referring to Tatchell above in claim 5 for the prompting user for selecting telephone number from more than one telephone number, from the group consisting of home, office, fax, cell, answering service, and combinations thereof.

4. Claims 27-29, 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan in view of Will (US 5,917,891).

Regarding **claim 27**, Chan has taught above the startup dialer program, the speech engine, the user speaks activation and keyboard (460, Fig. 3), the software (col. 4, lines 5-9) for queries user for contact name (in steps 110,140,230, Fig. 1), the one name is found for autodialing. Chan does not clearly teach the if contact name not found, dialer does not dial and await further input, if number found, effect automatic dialing, if not, default to caller.

Will teaches the prompting user to select one telephone number from the set and then, initiating a telephone call to the selected number (col. 22, lines 30-33; col. 25, lines 14-15).

Will teaches the no more names (Fig. 2) into step 260-"who do you want to call" (Fig. 2), for the if not name found, and the process moving to step 215-"user has spoken ?", if no, looping back to step 215 for awaiting further input. Will teaches in step 240-"response from user?" (Fig. 2) and then, defaulting to user/caller at step 215. Will teaches the voice dialing using predicted telephone number based on the previous model, history, and time of the day (abstract) to improve connection accuracy (col. 1, line 55 to col. 2, lines 29). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Chan above, and to include Will's telephone number selection from set to improve

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Regarding **claim 28**, Chan teaches that if name is not found, not in the directory, the name and telephone number can be created by using mouse 450 and keyboard 460 (col. 6, lines 39-44).

Regarding **claim 29**, Chan taught above the keyboard 460 (Fig. 3) for entering data and the software (Schedule+) for creating directory of names and associated telephone number (col. 4, lines 10-17).

Regarding **claim 37**, Will in claim 7 taught above for the startup dialer program, the speech engine, the user speaks activation and keyboard, the software for queries user for contact name, the one name is found for autodialing, the if contact name not found, dialer does not dial and await further input, if number found, effect automatic dialing, if not, default to caller.

Regarding **claim 38**, Chan teaches the claimed features for if name is not found, not in the directory, the name and telephone number can be created by using mouse 450 and keyboard 460 (col. 6, lines 39-44).

Regarding **claim 39**, Chan taught above the keyboard 460 (Fig. 3) for entering data and the software (Schedule+) for creating directory of names and associated telephone number (col. 4, lines 10-17).

5. Claims 30, 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan in view of Will, and further in view of Engelbeck et al. (US 5,452,340).

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Regarding **claim 30**, Chan and Will do not clearly teach the creating new entry by voice input. Engelbeck et al. (Engelbeck) teaches the creating new entry by voice input (Fig. 4, modify add, step 90, "please speak the name", step 96, "please repeat the name again", step 128, name added, Fig. 6 add, step 170, "please speak name you wish to add"). Engelbeck teaches an improved system for voice activated dialing that user can add, change, name/telephone in the directory (abstract, Fig. 3-4; col. 1, lines 6-8), such that the new name/telephone number can be efficiently added to a directory address book. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Chan above, and to include Engelbeck's adding, modifying, name/telephone in directory, such that the user could efficiently update, correct, the name and telephone number stored in a telephone directory.

Regarding **claim 40**, Engelbeck taught above the new entry is created by voice input (Fig. 4, modify add, step 90-"please speak the name", step 96-"please repeat the name again", step 128, name added, Fig. 6 add, step 170, "please speak name you wish to add").

Response to Argument

7. Applicant's arguments filed 1/26/2004 have been fully considered but they are not persuasive.

Regarding applicant's argument for the no teachings from Chan for the telephone application telephone interface TAPI, the device independent programming for telephone line base device so that many application programs can work with many telephone device, the structure of the combination of the Chan and Vulcan is different from applicant's invention, Regarding the telephone application telephone interface TAPI, Chan does teaches the

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telephone application program interface TAPI in a personal dialing system (Fig. 3, col. 6, lines 23-64), having software (col. 4, lines 4-9, Fig. 1) stored in the microprocessor 340/440 (Fig. 2-3, col. 6, lines 3-12), Ram 410 and hard disk 420. The microprocessor 340 executes software (col. 6, lines 14-22) for generating signal to interface and direct a telephone connection through the telephone port 480, 430, for making telephone connection between telephone set 490 and public switched telephone network (Fig. 3, col. 24-38).

Regarding the device independent programming for telephone line base device so that many application programs can work with many telephone device, this claimed feature is not in the broadly claimed feature of the independent claims 21, 31, as argued by applicant (Remark, page 17 last paragraph to page 18, first paragraph). Applicant's claimed feature is not limited for the claimed feature for a device independent programming for telephone line base device so that many application programs can work with many telephone device. The claimed feature is not in the claim.

Regarding the structure of the combination of two inventions, Chan and Vulcan, is different from applicant's invention, this office action is utilizing reference Chan only for rejection for the claimed features in independent claims 21, 31. The combination of Vulcan is not needed, and Chan does teach the telephone systems having private branch exchanges (310, Fig. 2) and microprocessor 340 does execute software telephone interface programming for signaling PBX 310 to make telephone connection between telephone set in public switches telephone network (Fig. 2) and telephone sets 352, 354, 356, 358 (Fig 2).

In view of the above disclosures, claims 21-40 are remaining in the rejection manner.

Conclusion

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Chow whose telephone number is (703)-306-5615.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (703)-305-4385.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231


or faxed to: (703) 872-9306 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Charles Chow C.C.,

March 29, 2004.


EDWARD F. URBAN
SUPERVISORY PATENT EXAMINER
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